

Memorandum

JUDGE McMANUS

07

CIV

9321

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

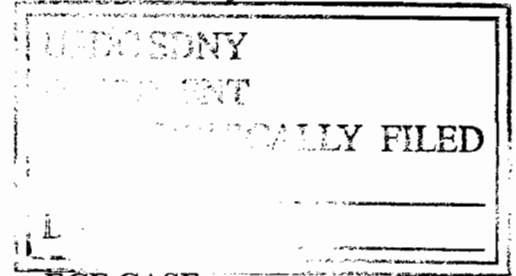
-----X
AMERICAN STEAMSHIP OWNERS MUTUAL
PROTECTION AND INDEMNITY ASSOCIATION, INC.,

Plaintiff,

- against -

ASM SHIPPING LTD., and
FORESIGHT LIMITED,

Defendants.



07 Civ

-----X
**EX PARTE ORDER FOR PROCESS OF
MARITIME ATTACHMENT AND GARNISHMENT**

WHEREAS, on October 17th, 2007, plaintiff, AMERICAN STEAMSHIP OWNERS MUTUAL PROTECTION AND INDEMNITY ASSOCIATION, INC. ("AMERICAN CLUB"), filed the Verified Complaint herein for damages amounting to \$412,623.50 inclusive of interest, costs, and reasonable attorneys' fees, and praying for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules and Civil Procedure, and

WHEREAS, the Process of Maritime Attachment and Garnishment would command that the United States Marshal or other designated process server attach any and all of defendant's tangible and intangible property within the District of this Court, and

WHEREAS, the Court has reviewed the Verified Complaint and the conditions of Supplemental Admiralty Rule B appearing to exist, it is hereby

ORDERED, that Process of Maritime Attachment and Garnishment shall issue against all goods and chattels, tangible or intangible property, credit and effects, claimed by or being

held for the defendants by any garnishees within this District, including the garnishees listed in Attachment "A" to the Process of Maritime Attachment and Garnishment and/or any other garnishee(s) upon whom a copy of the Ex Parte Order for Process of Attachment and Garnishment and Process of Attachment and Garnishment are served, in an amount up to and including \$412,623.50, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and it is further

ORDERED, that any person claiming an interest in the property attached or garnished pursuant to said Order shall, upon application to the Court, be entitled to a prompt hearing at which the plaintiff shall be required to show cause why the maritime attachment and garnishment should not be vacated or other relief granted; and it is further

ORDERED, that supplemental process enforcing the Court's Ex Parte Order for Process of Maritime Attachment and Garnishment may be issued by the Clerk upon application of the plaintiff without further Order of the Court; and it is further

ORDERED, that a copy of this Ex Parte Order be attached to and served with said Process of Maritime Attachment and Garnishment; and it is further

ORDERED, that following the initial service upon any garnishee by the United States Marshal or any other person designated by Order to make service in this action, supplemental service of the Process of Maritime Attachment and Garnishment may thereafter be made by way of facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee so personally served; and it is further

ORDERED, that service on any garnishee herein is deemed to be effective and continuous service throughout the remainder of the day upon which such service is made, commencing from the time of such service through the close of the garnishee's business the next

business day.

Dated: New York, New York
October 19, 2007

SO ORDERED:



U.S.D.J.

U:\kmh\docs\2600022\Pleadings\Attachment Order-.doc

ATTACHMENT "A"

Citibank
399 Park Avenue
New York, NY 10022

Bank of America
c/o Zeichner, Ellman & Krause LLP
575 Lexington Avenue
New York, NY 10002

Bank of New York
1 Wall Street
New York, NY 10286

JP Morgan Chase Bank
One Chase Manhattan Plaza
New York, NY

HSBC (USA)
120 Broadway
New York, NY

Wachovia Bank
360 Madison Avenue
New York, NY 10017

Barclay's Bank
200 Park Avenue
New York, NY 10166

Standard Chartered Bank
1 Madison Avenue
New York, NY 10010

Deutsche Bank
60 Wall Street
New York, NY 10006

Fortis Bank
520 Madison Avenue
New York, NY 10022

UBS
299 Park Avenue
New York, NY 10171